

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 7 AT THE COLONIES

200601251

A PARCEL OF LAND LOCATED IN THE N 1/2 OF SECTION 30, T.4N., R.2W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO
2005

RECORDED

2006 JAN 6 PM 3 16

G NOEL HALES
CANYON COUNTY RECORDER
BY *CMC Laughlin*



This document
provided courtesy
of TitleOne

LEGEND

- FOUND BRASS CAP
- FOUND 5/8" X 30" REBAR
WITH PLASTIC CAP PLS 7732
- SET 1/2" X 24" REBAR WITH
PLASTIC CAP PLS 5461
- SET 5/8" X 30" REBAR WITH
PLASTIC CAP PLS 5461
- W.C. WITNESS CORNER
- R.M. REFERENCE MONUMENT
- CALCULATED POINT, NOT SET
- (XXX.XX') DATA OF RECORD
- PROPERTY LINE
- LOT LINE
- - - EASEMENT LINE
- - - DIMENSION LINE
- - - SECTION LINE
- - - CENTER LINE
- ① LOT NUMBER

REFERENCE DATA

DELAWARE PARK SUBDIVISION NO. 1 UNIT
NO. 3
BOOK 31 PAGE 19

DELAWARE PARK SUBDIVISION NO. 1 UNIT
NO. 4
BOOK 32 PAGE 6

DELAWARE PARK SUBDIVISION NO. 1 UNIT
NO. 5
BOOK 33 PG 39

INST. #9420505 (ROS)

INST. #200101050 (ROS)



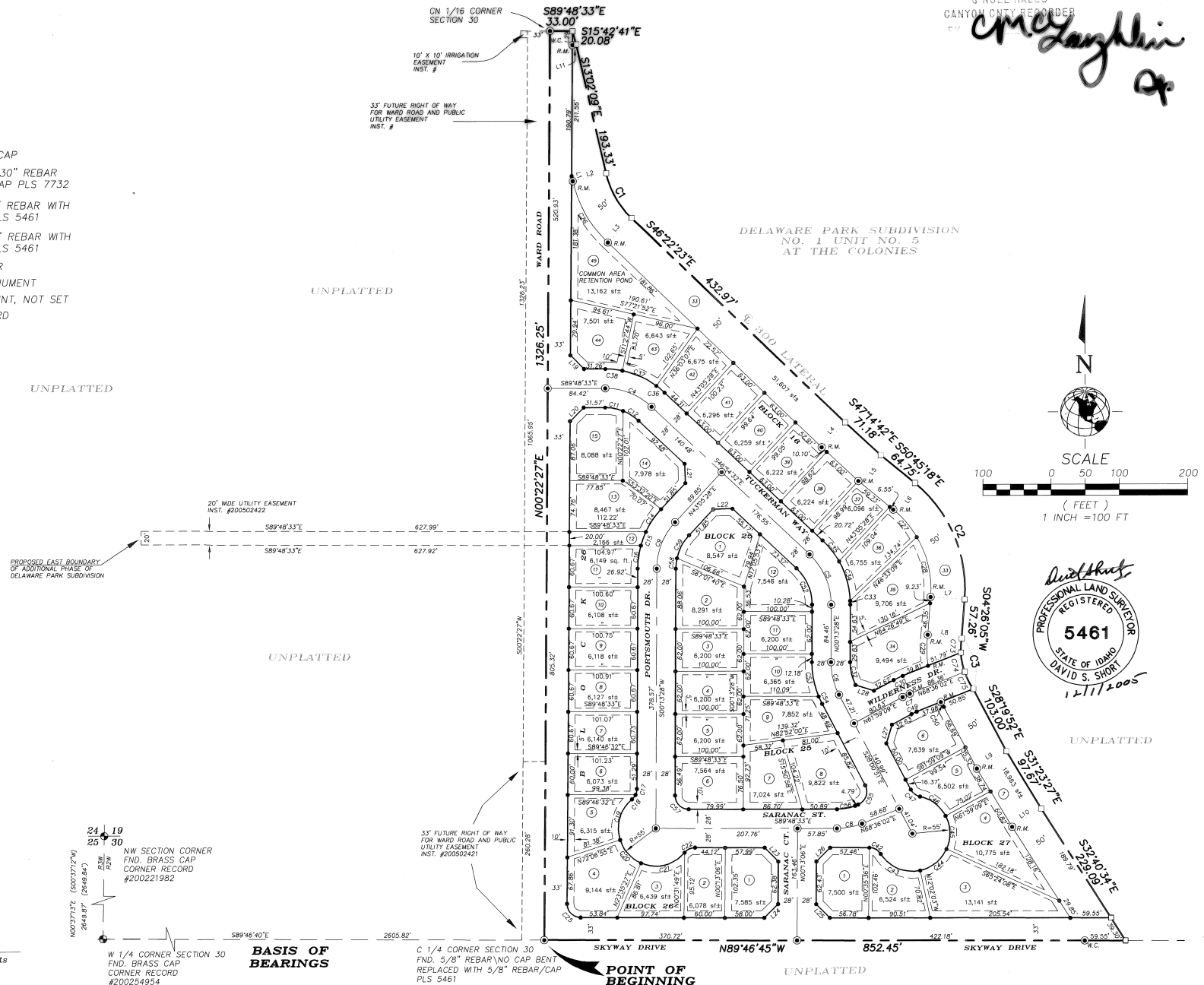
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Book 37 Page 08

SHEET 1 OF 4

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 7 AT THE COLONIES

A PARCEL OF LAND LOCATED IN THE N 1/2 OF SECTION 30, T.4N., R.2W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO
2005

NOTE

1. A PUBLIC UTILITY, PROPERTY DRAINAGE AND IRRIGATION EASEMENT IS HEREBY DEDICATED AS FOLLOWS UNLESS OTHERWISE NOTED:

10 FEET WIDE ALONG SUBDIVISION BOUNDARY
10 FEET WIDE ALONG REAR LOT LINES
10 FEET WIDE ALONG STREET FRONTAGE
5 FEET WIDE EACH SIDE OF SIDE LOT LINES

IF THE LOT LINES ARE ADJUSTED, THE EASEMENT SHALL ALSO BE ADJUSTED ACCORDINGLY, PROVIDED NO FACILITIES HAVE BEEN INSTALLED WITHIN THE EASEMENT.

2. LOT 45 BLOCK 16 IS DESIGNATED AS A COMMON AREA LOT FOR THE PURPOSE OF A RETENTION POND TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

3. LOT 12 BLOCK 26 IS FOR THE PURPOSE OF A UTILITY EASEMENT AND A PEDESTRIAN INGRESS/EGRESS EASEMENT TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

4. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN; PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."

5. THE OWNERS OF THIS SUBDIVISION ARE SUBJECT TO COMPLIANCE WITH IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.

6. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.

7. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF CALDWELL.

8. LOT 33, BLOCK 16 AND LOT 7, BLOCK 27 ARE FOR THE PURPOSE OF AN IRRIGATION EASEMENT TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

9. DIRECT ACCESS TO WARD ROAD OR SKYWAY DRIVE FROM ANY LOT IS PROHIBITED.

LINE	BEARING	LENGTH
L1	S13°02'09"E	7.60
L2	S76°57'50"W	50.00
L3	S43°37'37"W	50.00
L4	S43°11'55"W	50.00
L5	S41°00'00"W	50.00
L6	S39°14'42"W	50.00
L7	N85°33'55"W	50.00
L8	N83°38'51"W	50.03
L9	S60°08'20"W	50.02
L10	S57°57'59"W	50.00
L11	S75°37'35"W	5.75
L12	NOT USED	
L13	NOT USED	
L14	NOT USED	
L15	NOT USED	
L16	NOT USED	
L17	NOT USED	
L18	NOT USED	
L19	N44°43'03"W	26.33
L20	N45°16'57"E	26.24
L21	S01°34'32"E	26.26
L22	N88°05'28"E	26.28
L23	N44°47'43"W	26.29
L24	N45°13'11"E	26.28
L25	N44°46'49"W	26.28
L26	N45°12'17"E	26.28
L27	N16°59'09"E	26.28
L28	N72°34'47"W	26.50
L29	N00°22'27"E	20.76
L30	NOT USED	

CURVE	DELTA	RADIUS	ARC	CH. BRG.	CHORD
C1	33°20'12"	131.00	76.22	S29°42'16"E	75.15
C2	58°11'27"	200.00	192.65	S23°08'36"E	185.29
C3	42°54'52"	103.88	77.80	S12°46'12"E	76.00
C4	42°54'01"	100.00	74.88	N68°21'32"W	73.14
C5	47°07'59"	100.00	82.26	N23°20'32"W	79.96
C6	28°14'18"	100.00	49.29	S13°53'42"E	48.79
C7	6°36'53"	100.00	11.55	S65°17'35"W	11.54
C8	21°35'26"	100.00	37.68	N29°23'43"E	37.46
C9	42°52'00"	100.00	74.82	S21°39'38"W	73.08
C10	89°49'00"	20.00	31.35	S45°16'57"W	28.24
C11	21°27'00"	72.00	26.96	N79°05'02"W	26.80
C12	21°27'00"	72.00	26.96	N57°38'02"W	26.80
C13	90°00'00"	20.00	31.42	N01°34'32"W	26.28
C14	180°1'58"	128.00	40.29	S34°04'29"W	40.12
C15	8°32'38"	128.00	21.32	S201°7'11"W	21.30
C16	15°17'24"	128.00	34.16	S07°52'10"W	34.06
C17	25°48'57"	20.00	9.02	N13°08'26"E	8.94
C18	24°21'04"	20.00	8.50	N38°13'57"E	8.44
C19	68°19'34"	55.00	65.59	S16°16'42"W	61.77
C20	48°50'29"	55.00	46.88	S42°18'19"E	45.48
C21	73°17'28"	55.00	70.35	N76°37'42"E	65.66
C22	50°12'29"	20.00	17.53	S65°05'13"W	16.97
C23	90°01'39"	20.00	31.43	N44°47'43"W	26.29
C24	90°00'09"	20.00	31.42	N45°13'11"E	26.28
C25	90°09'12"	20.00	31.47	S44°42'09"E	26.32
C26	33°20'13"	181.00	105.31	S29°42'16"E	103.83
C27	20°19'44"	150.00	53.22	N40°35'26"W	52.94
C28	34°51'39"	150.00	91.27	N12°59'44"W	89.86
C29	16°58'05"	153.88	45.57	S00°13'21"E	45.40
C30	6°36'53"	128.00	14.78	S65°17'35"W	14.77
C31	90°52'08"	20.00	31.72	S72°34'47"E	26.50
C32	27°22'11"	72.00	34.39	S13°27'38"E	34.07
C33	2°31'03"	128.00	5.62	N01°02'04"W	5.62
C34	26°36'02"	128.00	60.17	N15°45'36"W	59.62
C35	17°40'55"	128.00	39.50	N38°04'04"W	39.35
C36	7°02'21"	128.00	15.73	N50°25'42"W	15.72
C37	24°35'23"	128.00	54.93	N66°14'35"W	54.51
C38	11°16'16"	128.00	25.18	N84°10'24"W	25.14
C39	90°11'00"	20.00	31.48	S44°43'03"E	26.33
C40	89°58'51"	20.00	31.42	S44°46'49"E	26.28
C41	89°58'21"	20.00	31.41	S45°12'17"W	26.28
C42	57°21'00"	20.00	20.02	N61°08'03"W	19.19
C43	69°34'30"	55.00	66.79	S67°14'48"E	62.76
C44	53°22'06"	55.00	51.23	N51°16'54"E	49.40
C45	52°36'43"	55.00	50.50	N01°42'30"W	48.75
C46	50°12'29"	20.00	48.20	N53°07'06"W	46.67
C47	50°12'29"	20.00	48.20	S53°07'06"E	46.67
C48	90°00'00"	20.00	31.42	S16°59'09"W	26.28
C49	6°36'53"	72.00	8.31	S65°17'35"W	8.31
C50	3°09'20"	153.88	8.47	S31°35'50"E	8.47
C51	90°00'00"	20.00	31.42	S88°05'28"W	26.28
C52	47°08'00"	72.00	59.23	N23°20'32"W	57.57
C53	22°54'14"	128.00	51.17	S11°13'39"E	50.83
C54	5°20'05"	128.00	11.92	S25°20'49"E	11.91
C55	96°36'53"	20.00	33.72	N201°7'35"E	29.87
C56	21°35'26"	72.00	27.13	N79°23'45"E	26.97
C57	90°02'00"	20.00	31.43	S44°47'32"E	26.29
C58	12°13'28"	72.00	15.36	S06°20'12"W	15.33
C59	30°38'32"	72.00	38.51	S27°46'12"W	38.05
C60	89°59'44"	20.00	31.41	N45°00'06"E	26.28
C61	90°54'17"	20.00	31.73	S44°32'51"E	26.51
C62	NOT USED			NOT USED	
C63	NOT USED			NOT USED	
C64	NOT USED			NOT USED	
C65	NOT USED			NOT USED	
C66	NOT USED			NOT USED	
C67	NOT USED			NOT USED	
C68	93°00'47"	20.00	32.47	N43°18'10"W	29.02
C69	90°16'10"	20.00	31.51	N45°08'05"E	26.35
C70	90°00'02"	20.00	31.42	N44°48'32"W	26.28
C71	90°16'10"	20.00	31.51	N45°08'05"E	26.35
C72	90°00'03"	20.00	31.42	N44°48'32"W	26.28
C73	11°36'01"	103.88	21.03	S02°53'13"W	21.00
C74	15°45'44"	103.88	28.58	S10°47'39"E	28.49
C75	15°33'07"	103.88	28.20	S26°27'05"E	28.11



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I: /PROJECTS/HEARTLAND/31787/ACAD/31787-SURV-PT-07.DWG



37-8

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 7 AT THE COLONIES

A PARCEL OF LAND LOCATED IN THE N 1/2 OF SECTION 30, T.4N., R.2W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO
2005

OWNERS CERTIFICATE

Know all men by this presents: That the undersigned is the owner of the property described as follows and intends to include said property in this plat:

A parcel of land being a portion of the North 1/2 of Section 30, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at a brass cap, corner record #200254954, marking the West 1/4 corner of said Section 30;

Thence South 89°46'40" East coincident with the south line of said north 1/2 of Section 30, a distance of 2605.82 feet to a 5/8" rebar/cap PLS 5461 marking the center 1/4 corner of said Section 30 and the **POINT OF BEGINNING**;

Thence North 00°22'27" East coincident with the west line of the northeast 1/4 of Section 30, a distance of 1326.25 feet to a 5/8" rebar/cap PLS 5461 marking the northwest corner of the southwest 1/4 of the northeast 1/4 (center north 1/16 corner) of said Section 30;

Thence South 89°48'33" East coincident with the north line of the said southwest 1/4 of the northeast 1/4 of Section 30, a distance of 33.00 feet to the centerline of the 300 Lateral and the westerly boundary line of Delaware Park Subdivision No. 1 Unit No. 5 At The Colonies as shown in Book 33 of Plats at Page 39, Canyon County Records, from which a 5/8" rebar/cap PLS 5461 marking a witness corner bears North 89°48'33" West, 33.00 feet;

Thence South 15°42'41" East coincident with said westerly line of Delaware Park Subdivision No. 1 Unit No. 5 At The Colonies and coincident with said centerline of the 300 Lateral, a distance of 20.08 feet from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 75°37'35" West, 5.75 feet;

Thence South 13°02'09" East coincident with said westerly line of Delaware Park Subdivision No. 1 Unit No. 5 At The Colonies and coincident with said centerline of the 300 Lateral, a distance of 193.33 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 76°57'50" West, 50.00 feet;

Thence 76.22 feet, coincident with said westerly line of Delaware Park Subdivision No. 1 Unit No. 5 At The Colonies and said centerline of the 300 Lateral and along the arc of said tangent curve to the left, having a radius of 131.00 feet, a central angle of 33°20'12", subtended by a chord bearing South 29°42'16" East, 75.15 feet from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°37'37" West, 50.00 feet;

Thence South 46°22'23" East coincident with said westerly line of Delaware Park Subdivision No. 1 Unit No. 5 At The Colonies and coincident with said centerline of the 300 Lateral, a distance of 432.97 feet from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°11'55" West 50.00 feet;

Thence South 47°14'42" East coincident with the said centerline of the 300 Lateral, a distance of 71.18 feet, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 41°00'00" West, 50.02 feet;

Thence South 50°45'18" East coincident with said centerline of the 300 Lateral, a distance of 64.75 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 39°14'42" West, 50.00 feet;

Thence 192.65 feet, coincident with said centerline of the 300 Lateral and along the arc of said tangent curve to the right, having a radius of 200.00 feet, a central angle of 55°11'27", subtended by a chord bearing South 23°09'36" East, 185.29 feet, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears North 85°33'55" West, 50.00 feet;

Thence South 04°26'05" West coincident with said centerline of the 300 Lateral, a distance of 57.26 feet to the beginning of a non-tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears North 83°38'51" West, 50.03 feet;

Thence 77.80 feet, coincident with said centerline of the 300 Lateral and along the arc of said non-tangent curve to the left, having a radius of 103.88 feet, a central angle of 42°54'52", subtended by a chord bearing South 12°46'12" East, 76.00 feet, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 68°36'02" West, 50.85 feet;

Thence South 28°19'52" East coincident with said centerline of the 300 Lateral, a distance of 103.00 feet, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 60°08'20" West, 50.02 feet;

Thence South 31°23'27" East coincident with said centerline of the 300 Lateral, a distance of 97.67 feet, from which a rebar/cap PLS 5461 marking a reference monument bears South 57°57'59" West, 50.00 feet;

Thence South 32°40'34" East coincident with said centerline of the 300 Lateral, a distance of 229.09 feet to the south line of the said northeast 1/4 of Section 30, from which a rebar/cap PLS 5461 marking a witness corner bears North 89°46'45" West, 59.55 feet;

Thence North 89°46'45" West coincident with the said south line of the northeast 1/4 of Section 30, a distance of 852.45 feet to the **POINT OF BEGINNING**.

The above described parcel contains 13.66 acres, more or less.

The public streets shown on this plat are hereby dedicated to the public. The easements as shown on this plat are not dedicated to the public. However the right to use said easements is perpetually reserved for public utilities and for any other uses as designated hereon, and no permanent structures are to be erected within the lines of said easements.

All lots shown on this plat will be eligible to receive water service from the City of Caldwell's Municipal Water department and the City of Caldwell's Municipal Water Department has agreed in writing to serve all of the lots in this subdivision.



COREY BARTON - MANAGER
DYVER DEVELOPMENT L.L.C.

ACKNOWLEDGMENT

State of Idaho } ss
County of ~~Canyon~~ Ada

On this 12th day of September 2005, before me Adair Kolters, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the manager of Dyver Development L.L.C., and the manager who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company's name.

In witness whereof, I have hereunto set my hand and notarial seal the day and year last above written.

Adair Kolters

Notary Public for
Residing at
My commission expires

Idaho
Nampa, ID
6-05-2010



CERTIFICATE OF SURVEYOR

I, David S. Short, do hereby state that I am a Land Surveyor, licensed by the State of Idaho, and that this plat, as described in the Certificate of Owners and the attached plat, was drawn from an actual survey made on the ground under my direct supervision and accurately represents the points platted thereon, in conformity with the State of Idaho Codes relating to plats, surveys and the corner perpetuation and filing act, Idaho Code 55-1601 through 55-1612.



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BOOK 37, PAGE 08

I:/PROJECTS/HEARTLAND/31787/ACAD/31787-SURV-PT-07.DWG

SHEET 3 OF 4

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 7 AT THE COLONIES

A PARCEL OF LAND LOCATED IN THE N 1/2 OF SECTION 30, T.4N., R.2W., B.M.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO
2005

CERTIFICATE OF COUNTY SURVEYOR

I, DAVID R. KINZEL, Canyon County Surveyor, do hereby certify that I have examined this plat and that it complies with the requirements of Idaho State Code, relating to plats and surveys.

David R. Kinzel
Canyon County Surveyor
DAVID R. KINZEL PE/LS 2659

10/4/05
Date

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Caldwell, Canyon County, Idaho do hereby certify that at a regular meeting of the City Council held on the 17th day of October, 2005, this plat was accepted and approved.

Monica Jones
City Clerk, Caldwell, Idaho

11-29-05
Date

APPROVAL OF CITY ENGINEER

I, GORDON N. LAW, City Engineer, in and for the City of Caldwell, Canyon County, Idaho hereby approve this plat.

Gordon N. Law
City of Caldwell Engineer
PE NO. 6998

29 Nov 2005
Date



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HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the State of Idaho, Department of Environmental Quality (DEQ) approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions of DEQ, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

Brian Crawford
District Health Department, REHS

10/4/05
Date

APPROVAL OF CITY OF CALDWELL PLANNING AND ZONING COMMISSION

- N/A -

CERTIFICATE OF COUNTY TREASURER

I, TRACIE LLOYD, County Treasurer in and for the County of Canyon, State of Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

Tracie Lloyd
County Treasurer

4/6/2006
Date

COUNTY RECORDERS CERTIFICATE

STATE OF IDAHO }
COUNTY OF CANYON } SS

I hereby certify that this instrument was filed for record at the request of W&H Pacific at _____ minutes past _____ o'clock _____ M., on this _____ day of _____, _____, in Book _____ of plats at Pages _____ through _____.

Deputy _____

Ex-Officio Recorder _____

37-8

SHEET 4 OF 4

200623762

RECORDED

NOV 31 PM 4 15

CANYON COUNTY RECORDER

BY *[Signature]*

PIONEER - NAMP

REQUEST TYPE DATE FEE 24-

W29009

SUPPLEMENTAL DECLARATION OF ANNEXATION ESTABLISHING
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DELAWARE PARK SUBDIVISION NO. 7 AT THE COLONIES
PLATTED AS
DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 7
AT THE COLONIES

SUPPLEMENTAL DECLARATION OF ANNEXATION ESTABLISHING
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DELAWARE PARK SUBDIVISION NO. 7 AT THE COLONIES
PLATTED AS DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 7 AT THE COLONIES

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by Dyver Development, LLC, an Idaho limited liability company, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situated in the City of Caldwell, County of Canyon, State of Idaho, which is particularly described as:

Delaware Park Subdivision No. 1 Unit No. 7 At The Colonies, according to the official plat Thereof on file in the office of the County Recorder of Canyon County, State of Idaho, in Book 37 of plats at page 08; more particularly described on Exhibit "A" attached hereto and incorporated herein by this Reference.

(which real property is hereinafter referred to as the "Phase 7 Property"); and

WHEREAS, Declarant has heretofore recorded a Declaration Establishing Covenants, Conditions and Restrictions for Delaware Park At The Colonies Subdivision Phase II, recorded on February 27, 2002, as Instrument Number: 200209365, records of Canyon County, Idaho.

WHEREAS, Delaware Park Subdivision No. 1 Unit No. 7 At The Colonies is being developed according to a master plan of development and is thereby related to Delaware Park At The Colonies Subdivision Phase II, and Declarant desires that the Phase 7 property be subject to the covenants, conditions and restrictions for Delaware Park At The Colonies Subdivision Phase II as set forth in the Declaration (as Declaration may be, from time to time, amended), and that owners of Building Lots or parcels within the boundaries of the Phase 7 Property be members of Delaware Park At The Colonies Subdivision Homeowners Association, Inc.:

NOW, THEREFORE, Declarant hereby declares:

ARTICLE I

The Phase 7 Property shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration, as amended, incorporated herein by this reference as if set forth in full, which easements, restrictions, covenants and conditions are for the purpose of protecting the value and desirability of, and which shall run with and bind, the Phase 7 Property and each and every part, parcel and Building Lot thereof, and be binding on all parties having any right, title or interest in the Phase 7 Property or any parcel or building lot thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE II

Pursuant to the Sections 1.2 and 7.1 of the Declaration, the Declaration is hereby amended to include the Phase 7 Property, and the Phase 7 Property is hereby made subject to and the beneficiary of the rights, privileges, restrictions and covenants set forth in the Declaration. The Phase 7 Property is designated a "Tract" as defined in Section 3.15 of the Declaration, and is hereby annexed to the Property covered by the Declaration and is included within the term "Property" as used in the Declaration.

ARTICLE III

Except for terms expressly defined herein, all capitalized terms shall have the same meaning as defined in the Declaration.

ARTICLE IV

The Common Areas granted to the Delaware Park Homeowners Association, Inc. are:
Lot 45, Block 16, Lot 12, Block 26, Lot 33, Block 16, and Lot 7, Block 27.

This Common Area shall be conveyed to the Association free and clear of all liens and title encumbrances (other than easements, taxes, and common restrictions) and shall be owned and maintained by the Association.

Notes. The Common Area and building lots are subject to the "Notes," as stated on the final recorded Plat for DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 7, recorded in County of Canyon, Idaho and recorded as instrument #200601251; and attached as Exhibit A.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set its hand this 30th day of March 2006.

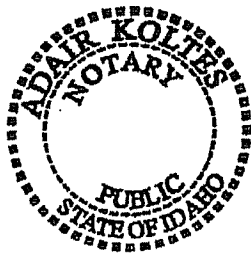
DYVER DEVELOPMENT, LLC,
An Idaho limited liability company

By: Corey Barton, Its Manager

STATE OF IDAHO)
) ss.
County of Ada)

On this 30th day of March, 2006, before me Adair Koltes, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the Manager of Dyver Development, LLC, a limited liability company, who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company's name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Adair Koltes
Notary Public for Idaho
Residing at Nampa, ID
My commission expires 12-05-2010

A PARCEL OF LAND LOCATED IN THE N 1/2 OF SECTION 30, T4N., R2W., BL. 2005
CITY OF CALDWELL, CANYON COUNTY, IDAHO

1. A PUBLIC UTILITY, PROPERTY DRUMAGE AND
PERCATION EASEMENT IS HEREBY DEDICATED AS
FOLLOWS UNLESS OTHERWISE NOTED:

10 FEET WIDE ALONG SUSANSMON BOULEVARD
10 FEET WIDE ALONG REAR LOT LINES
10 FEET WIDE ALONG STREET FRONTAGE
5 FEET WIDE EACH SIDE OF SIDE LOT LINES

IF THE LOT LINES ARE ADJUSTED, THE EASEMENT SHALL ALSO BE ADJUSTED ACCORDINGLY. PROVIDED NO FACILITIES HAVE BEEN INSTALLED WITHIN THE EASEMENT.

2. LOT 4/5 BLOCK 16 IS DESIGNATED AS A COMMON AREA LOT FOR THE PURPOSE OF A RETENTION POND TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

1. LOT 12 BLOCK 28 IS FOR THE PURPOSE OF A UPLIFT EASEMENT AND A PEDESTRIAN WALKWAY EASEMENT TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

THE DEVELOPMENT RECORDS SECTION 27-4503 OF OHIO CODE, RIGHT TO FAUL ACT, WHICH STATES "NO AGRICULTURAL OPERATION OR ANY APPLICANCE TO IT SHALL BE DEEMED TO BE A VIOLATION OF ANY APPLICABLE ENVIRONMENTAL PROTECTION ACT, OR ANY APPLICABLE FEDERAL, STATE, OR LOCAL ACT, IF THE OPERATION OR APPLICANCE IS IN COMPLIANCE WITH THE APPLICABLE ACTS." THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER AVAILABLE RESULTS FROM THE MONITORING OR ANALYTICAL DETERMINATION OF ANY APPLICABLE OPERATION OR APPLICANCE TO

5. THE ORDERS OF THE SUBDIVISION ARE SUBJECT TO COMPLIANCE WITH DRAIN CODE SECTION 31-3805 CONCERNING FLOODPLAIN WAIVER.

2. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE COMPLIANT WITH THE APPLICABLE ZONING ORDINANCES OF THE CITY OF CAHONET.

8 LOT 31 BLOCK 1B AND LOT 2, BLOCK 27
ARE FOR THE PURPOSE OF AN ERECTION
EASMENT TO BE OWNED AND MAINTAINED BY
THE HOMEOWNERS ASSOCIATION.

3. DIRECT ACCESS TO WARD ROAD OR SYCAMORE DRIVE FROM ANY LOT IS PROHIBITED.

2130 S. Mythen St.
Boise, Idaho 83705-4768

1-800-368-6400

WILLIAM

Physicians • Engineers • Surveyors • Landscapers Architects

BOOK _____, PAGE _____

2. PROJECTS/HEARILAND/31787/ACAD/31787-SURV-PT-07.DWG

Task	Resources	Duration
1	5000	5000
2	5000	5000
3	5000	5000
4	5000	5000
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DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 7 AT THE COLONIES

A PARCEL OF LAND LOCATED IN THE N 1/2 OF SECTION 30, T4N, R2W, B.L.,
CITY OF CALDWELL, CANYON COUNTY, IDAHO 83605

OWNER CERTIFICATE

Know all men by the presence that the undersigned is the owner of the property described as follows and intends to include and property in this plat:

A parcel of land being a portion of the North 1/2 of Section 30, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCE at a known corner, corner of Section 30, Township 4 North, Range 2 West of the Boise Meridian, corner of said Section 30.

Thence South 89°46'40" East, coincident with the south line of said north 1/2 of Section 30, a distance of 250.00 feet to a 5/8" rebar/cap PLS 5461 marking the center 1/4 corner of said Section 30 and the Point of BEGINNING.

Thence North 00°23'27" East, coincident with the west line of the north 1/2 of Section 30, a distance of 1200.23 feet to a 5/8" rebar/cap PLS 5461 marking the northwest corner of this section 1/4 of the north 1/2 of Section 30.

Thence South 89°46'43" East, coincident with the north line of the said north 1/4 of the north 1/2 of Section 30, a distance of 1100.00 feet to the centerline of the 300 Lot and a distance of 103.33 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears North 89°46'43" West, 1100.00 feet.

Thence South 154°23'41" East, coincident with the east line of the 300 Lot and a distance of 200.00 feet from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 75°17'35" West, 5.05 feet.

Thence South 132°32'02" East, coincident with the east line of the 300 Lot and a distance of 103.33 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 75°17'35" West, 5.05 feet.

Thence South 75°17'35" West, 5.05 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°13'35" West, 50.00 feet.

Thence South 43°13'35" West, 50.00 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°13'35" West, 50.00 feet.

Thence South 43°13'35" West, 50.00 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°13'35" West, 50.00 feet.

Thence South 43°13'35" West, 50.00 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°13'35" West, 50.00 feet.

Thence South 43°13'35" West, 50.00 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°13'35" West, 50.00 feet.

Thence South 43°13'35" West, 50.00 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°13'35" West, 50.00 feet.

Thence South 43°13'35" West, 50.00 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°13'35" West, 50.00 feet.

Thence South 43°13'35" West, 50.00 feet to the beginning of a tangent curve, from which a 5/8" rebar/cap PLS 5461 marking a reference monument bears South 43°13'35" West, 50.00 feet.

Thence South 212°32'27" East, coincident with the east line of the 300 Lot and a distance of 97.67 feet, from which a rebar/cap PLS 5461 marking a reference monument bears South 57°57'35" West, 50.00 feet.

Thence South 32°07'34" East, coincident with the east line of the 300 Lot and a distance of 220.00 feet to the south line of the said north 1/2 of Section 30, from which a rebar/cap PLS 5461 marking a witness corner bears North 89°46'43" West, 50.00 feet.

Thence North 89°46'43" West, coincident with the said south line of the north 1/2 of Section 30, a distance of 822.45 feet to the Point of BEGINNING.

The above described parcel contains 1.665 acres, more or less.

The public utility shown on the plat are hereby dedicated to the public. The right to use said easements is perpetually reserved for public utilities and for any other uses as designated hereon, and no permanent structures are to be erected within the area of said easements, except as to be erected as shown on the plat. The City of Caldwell, Idaho, is hereby authorized to use the City of Caldwell's Municipal Water Department and the City of Caldwell's Municipal Water Department has agreed to serve all of the lots in this subdivision.


COREY BARTON - LANDMAN
DYER DEVELOPMENT, LLC

ACKNOWLEDGMENT

State of Idaho } ss
County of Blaine }
On this 15th day of September, 2005, before me, Blaine Keltie, a Notary Public, to and for said State, personally appeared Corey Barton, known to me to be the manager of Dyer Development, LLC, and the manager who submitted said land to said county's name to the (largest) settlement, and accompanied to me that he executed the within instrument on behalf of said limited liability company's name. He witnesses thereof, I have hereunto set my hand and notated said the day and year last above written.

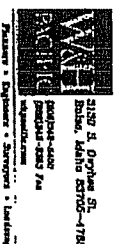
Blaine Keltie

Notary Public for
Residing at
My commission expires March 2010



CERTIFICATE OF SURVEY

I, David S. Stiel, do hereby state that I am a Land Surveyor, licensed by the State of Idaho, and that this plat, as prepared by me, is a true and correct representation of the survey made by me on the ground and my best judgment and accurately represents the points plotted thereon, in conformity with the State of Idaho Code relating to platting, surveying and the corner preservation and filing act, Idaho Code 20-1601 through 20-1612.



Planner & Engineer & Surveyor & Landscape Architect

BOOK PAGE
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A PARCEL OF LAND LOCATED IN THE N 1/2 OF SECTION 30, T4N., R2W., B1E.,
CITY OF CADDRELL, CANYON COUNTY, IDAHO
2005

1. Philip J. Krasner, Canyon County Surveyor, do hereby certify that I have examined this plat and that it complies with the requirements of Idaho State Code, relating to plats and surveys.

Date 12/28/85

1. the undersigned, City Clerk in and for the City of Colorado, Canyon County, Idaho do hereby certify that at a regular meeting of the City Council held on the 1st day of December, 2005, this bill was accepted and approved.

11-29-05
Date



BERNARD M. LESTER, City Engineer, in and for the City of
Caldwell, Canyon County Idaho hereby approves this plat.

784607 REES
Dolar

[illegible]

10/5/68
Daid

1
N/A
1

¹ County Treasurer is and for the County of _____ State of Idaho, per the requirements of k2, 30-1302, on hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

1/6/2006
Date

STATE OF IDAHO }
COUNTY OF CANYON }

I hereby certify that this instrument was filed for record in the register
with Pacific oil _____ minutes past _____ o'clock _____ A.M. on this
day of _____ in Book _____ of plots
at Pages _____ through _____

Ex-Divine Record



WJH
2130 S. Oregon St.
Boise, Idaho 83705-4766

Planners • Engineers • Surveyors • Landscape Architects

BOOK _____ PAGE _____